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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,215	08/28/2000	Allan Lamkin	68570	7416

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EXAMINER
VU, TUAN A

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/649,215	LAMKIN ET AL.
	Examiner	Art Unit
	Tuan A Vu	2124

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _28 August 2000_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-10_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-10_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _28 August 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to the application filed August 28, 2000.

Claims 1-10 have been submitted for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bhagavath et al., USPN: 6,505,169 (hereinafter Bhagavath), in view of Kroening et al., USPN:

6,080,207(hereinafter Kroening).

As per claim 1, Bhagavath discloses a method combining video/audio content with

programming content comprising:

generating authoring output comprising a definition for a variable (e.g. *metadata* – col. 2,

lines 2-6, 30-37; *URLs, constraints, time, date* - col. 6, lines 24-33), and further comprising a

representation of the video/audio content (e.g. *streaming media content* – col. 1, lines 21-25; col.

1, line 65 to col. 2, line 2; *ads* -col. 2, lines 20-29);

selecting a source file, the source file comprising the variable (e.g. <URL> ...</URL>,

Figs. 9A, 10; step *609* – Fig. 6 -- Note: locating/selecting the URL source data or ads is

equivalent to selecting the file comprising that URL link);

searching the source file for the variable (e.g. *tags, URL, locating the stream* - col. 6,

lines 36-48; Fig. 6), and replacing the variable with the definition for the variable (e.g. col. 2,

lines 30-37; col. 4, lines 60-65; Fig. 6 – Note: derive from hyperlink content with actual URL

source data to retrieve is equivalent to replacing variable with its definition);

generating programmatic content in response to the searching (e.g. step 509 – Fig. 5; *ads*

insertion, program structure, profile - col. 2, lines 20-31; *insertion instructions*(step 607), step

611- Fig. 6).

But Bhagavath fails to specify generating an image as a function of the programmatic

content and the representation of the audio/video content. Bhagavath, nonetheless, discloses a

content metadata file and ad metadata file (e.g. *responsive to ... stream structure* - col. 3, lines

43-48; col. 4, lines 30-59; col. 5, lines 10-27) to provide profile information, content structure,

instructions to assemble audio/video stream. Further, Kroening, in a method to generate custom

software configuration to a target storage device using baseline for software assembling, such

baseline analogous to the use of metadata to retrieve ads in Bhagavath's method, discloses

generating, by a program readable code, of an image in response to the desired configuration of

the target operating system (e.g. *image builder* – col. 2, lines 20-64; link *28*, device *30* – Fig. 1).

It would have been obvious for one of ordinary skill in the art at the time the invention was made

to implement creating of an image of the components to assemble in the target device as taught

by Kroening in response to the programmatic content for audio/video components (e.g. ads)

assembling process by Bhagavath in conjunction with metadata files for transmitting (Fig. 6)

audio/video content to target machines. One of ordinary skill would be motivated to do so

because this would alleviate recreating of a whole sets of baseline for subsequent constructions

of stream data per download request as mentioned by Bhagavath; and, as suggested by Kroening,

would further enhance resources usage efficiency and add flexibility for upgrade, installation,

and re-adjustment of the data contents should such needs arise (e.g. col. 3, lines 1-17)

As per claim 2, Bhagavath further discloses storing ads data stream content in a storage

medium (e.g. Ad cache – Fig. 3) but does not teach storing of the image in a storage medium.

But this limitation on creating of the image and its storage has been disclosed by Kroening in

claim 1 above; hence would have also been obvious for the same rationale as set forth in claim 1

above.

As per claim 3, Bhagavath discloses transmission of audio/video and programming

content through a transmission medium (e.g. link *109* – Fig. 1); but does not teach transmission

of image thereof. But this limitation on the image and its downloading, storage at the target

device has been disclosed by Kroening in claim 1 above; hence would have also been obvious

for the same rationale as set forth in claim 1 above.

As per claim 4, Bhagavath discloses searching of source file at build time (e.g. step 507 -

Fig. 5; *non-real-time* - col. 3, lines 42-45; col. 5, lines 41-49).

As per claim 5, Bhagavath further discloses searching of source file at run-time

(*substantially real-time* – col. 3, lines 32-40, 45-48; col. 5, lines 20-27, 52-59).

As per claim 6, Bhagavath further discloses searching in response to a software engine

executed on a HTTP proxy (Figs. 3, 6; col. 3, lines 21-49; col. 5, lines 35-39); but fails to specify

the use of a browser executing such search engine. However, Bhagavath tags, hyperlinks, and

markup language in the metadata for effecting the assembling of source data and programming

content (e.g. Figs 9a-b, 10). One skill in the art at the time of the invention would recognize the

use of browser software to interpret the tags and markup language as disclosed. Hence, it would

have been obvious for one of ordinary skill in the art at the time the invention was made to

provide browser software applications, or interpretation engine to interpret the markup language

as taught by Bhagavath; and thereby effect the retrieval of data included in hyperlinks such as

disclosed above during the proxy ads retrieval as taught by Bhagavath because HTTP documents

are known to be interpreted best by readily available and popular browsing engine at the time the

invention was made and using browsers to perform such data retrieval would be more cost-

efficient and user-friendly.

As per claim 8, Bhagavath discloses a system for combining video/audio content with

programming content comprising:

means for searching a source file for a variable (e.g. *tags, URL, locating the stream* - col.

6, lines 36-48; Fig. 6), and for replacing the variable with a definition for the variable (col. 2,

lines 30-37; col. 4, lines 60-65; Fig. 6 – Note: derive from hyperlink content with actual URL

source data to retrieve is equivalent to replacing variable with its definition);

means for generating programmatic content in response to the searching (e.g. step 509 –

Fig. 5; *ads insertion, program structure, profile* - col. 2, lines 20-31; *insertion instructions*(step

607), step *611*- Fig. 6).

But Bhagavath fails to specify means for generating an image as a function of the

programmatic content and the representation of the audio/video content. But this limitation has

been addressed by the combined teachings of Bhagavath and Kroening as in claim 1 above,

hence is rejected herein with the same ground of rejection set forth therein.

As per claim 9, Bhagavath discloses a system for combining video/audio content with

programming content comprising:

a parser adapted to search a source file for a variable (e.g. *tags, URL, locating the stream*

- col. 6, lines 36-48; step 607 - Fig. 6; col. 4, line 62 to col. 5, line 13 – Note: examining a file

with tags to derive hyperlink content is equivalent to a parsing means);

replace the variable with a definition for the variable (col. 2, lines 30-37; col. 4, lines 60-

65; Fig. 6 – Note: derive from hyperlink content with actual URL source data to retrieve is

equivalent to replacing variable with its definition); and

generate programmatic content in response to the searching (e.g. step 509 – Fig. 5; *ads*

insertion, program structure, profile - col. 2, lines 20-31; *insertion instructions*(step 607), step

611- Fig. 6).

But Bhagavath fails to specify generating an image as a function of the programmatic

content and the representation of the audio/video content. But this limitation has been addressed

by the combined teachings of Bhagavath and Kroening as in claim 1 above, hence is rejected

herein with the same ground of rejection set forth therein.

As per claim 10, this system claim recites modules for generating the same step

limitations, i.e. for searching, for generating programmatic content, and for creating image as

recited and addressed in claim 8 above; hence is rejected herein using the corresponding

rejections set forth therein, using accordingly Bhagavath's teaching in view of Kroening's.

4.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhagavath et al.,

USPN: 6,505,169 and Kroening et al., USPN: 6,080,207, as applied to claim 5 above, and further

in view of Cook, USPN: 5,860,068 (hereinafter Cook).

As per claim 7, Bhagavath in combination with Kroening discloses insertion and

retrieval (i.e. searching) of software content, e.g. audio/video components, for medium storage

(i.e. hardware device) of but fails to disclose that such searching step includes searching in response to the insertion of a DVD into a hardware device. Cook, in a method to manufacture and distribute customized digital data product to users over the Internet, using an image to assemble component sets analogous to the storing and transmitting of audio/video stream as taught by Bhagavath (in combination with Kroening's teachings), discloses assembling of digital component to store in a digital video disk (DVD) medium (e.g. *image* - col. 2, line 59 to col. 3, line 10; col. 4, lines 8-32; *data collection system 33* - Fig. 2). It would have been obvious for one of ordinary skill in the art at the time the invention was made to implement assembling of audio/video components dynamically in response to an user's request as taught by Bhagavath (re claim 5), such assembling further improved by the including of an image of data and programmatic content in the storage medium for downloading, as suggested by Kroening, so that the data thus assembled is to build a digital media storing DVD components as taught by Cook. One of ordinary skill would be motivated to do so because the building and distribution of video/audio data via the Internet in response to user's request such as taught by Bhagavath (in combination with Kroening's teachings) is but very analogous, hence no extra effort exerted, to assembling DVD components for distribution to the users as suggested by Cook (e.g. col. 1, lines 7-30; col. 2, lines 13-46); and is a highly sought-after feature in today's digital media vending and distributing business, e.g. DVD media, while handily taking advantage of Internet distributing means, and available network amenities, e.g. browsers, to achieve video/digital well-demanded media transactions.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat No. 6,453,420 to Collart, disclosing authoring content of medium using package tracking identifiers.

U.S. Pat No. 6,141,010 to Hoyle, disclosing downloading ads contents and retrieving of data with URLs.

U.S. Pat No. 6,389,467 to Eyal, disclosing searching of files via URLs for executing media content.

U.S. Pat No. 5,991,798 to Ozaki et al., disclosing corresponding package medium URL resources to remote data.

U.S. Pub. No. 2002/0088011 to Lamkin et al., disclosing accessing DVD content media with authoring data.

Chen et al., "Video and Audio : Organization and Retrieval in the WWW", White Paper. (1996)

http://vosaic.com/corp/papers/www5.html. http://citeseer.nj.nec.com/chen96video.html

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (703)305-7207. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:
(703) 746-7239, (for formal communications intended for entry)
or: (703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA. , 22202. 4th Floor(Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

VAT
March 30, 2003

JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124